

SUBJECT: U. S. military space requirements in the light of Soviet intentions evidenced during June-August, 1962.

During recent months, the Soviet Union has adopted an increasingly bellicose space policy designed to prepare the way for the beginning of hostile Soviet military acts in space. This new Soviet policy shift has increased the general military space requirements of the United States and has made it necessary to work out specific military requirements in terms of exact weapons and systems design in specific quantities over specific periods of time. The principal open-source evidence of this Soviet space policy shift is:

1. Statements that Soviet space weapons serve to preserve the peace and that until the U. S. agrees to disarmament on Soviet terms the Soviets are legally entitled to use space for military purposes.<sup>1</sup> This represents a shift from the traditional Soviet policy that military uses of space are illegal.

The Deputy-Chairman of the Space Law Commission of the Soviet Academy of Sciences, G. P. Zadorozhnyy, stated (p. 34): "The Soviet intercontinental ballistic rocket increases the chances for the preservation of peace, has made more hopeful the battle against the aggressive intentions of the instigators of war, and has lessened the danger of war."

The Deputy-Chairman attacked the resolution of the International Law Association for stating allegedly "that outer space henceforth may be used only for peaceful purposes,"<sup>2</sup> and asserted (p. 38):

"This resolution is designed to secure the narrow and egoistic strategic/military interests of the U. S. to the detriment of the legal interests of all peace-loving states and above all of the USSR.

"This resolution has nothing in common with international law, which for the time being does not provide for the prohibition of the use of outer space for military purposes and which considers even the high seas as a theatre of military operations.

"Outer space, as well as the high seas, will cease to be a theatre of military operations only when states establish the appropriate norms of international law which provide for general and complete disarmament or at least for the simultaneous liquidation of all means of delivering nuclear weapons."<sup>3</sup>

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R E S T R I C T E D

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The Soviet representative to the legal sub-committee of the U.N. Space Committee, F. N. Kovalev, in his book supported this innovation in Soviet space policy in more guarded but equally significant terms. Thus (on pp. 79-81) he lays down the first two of three criteria underlying all Soviet space law, namely: 1) the interest of security, and 2) the interests of scientific progress and the exploration of the cosmos. He states that one country might contend that a given act is necessary for security and another country that it interferes with science and exploration, and explains:

"The postulated dispute would be the result of differing conceptions by states of what constitutes scientific activity and what constitutes activity which threatens the security of a state. The question of whose understanding of the matter is more correct of course must be decided in each concrete case in accordance with concrete circumstances.... The possibility of such a dispute arising does not mean that there is an organic contradiction between these two aforementioned principles."

The conclusion would seem to be that both military and scientific activities in space are legal.

Further, Kovalev discusses the statement in 1959 by the Chairman of the Space Law Commission of the Soviet Academy of Sciences, Ye. A. Korovin, that the destruction of satellites would be an act of war, whereas reconnaissance by satellites would be merely an act of cold-war. Kovalev reversed the position of Korovin by stating (p. 123):

"The use of artificial satellites for purposes of military espionage ... should be separated out from the general problem of prohibiting the military use of space.... [Espionage] is illegal even though at present the question of prohibiting the military use of outer space as a whole has not been decided."

2. Statements that until the U.S. agrees to disarmament on Soviet terms the USSR maintains the right under international law to assert sovereignty over celestial bodies, including the moon. This is the first clear Soviet rejection of the traditional Soviet unconditional disclaimer of sovereignty over celestial bodies. These statements serve to emphasize that the Soviet space effort is designed to beat the U.S. to the moon and to the planets and is only beginning to get under way.

The Deputy-Chairman of the Space Law Commission of the Soviet Academy of Sciences, G. P. Zadorozhnyy, attacked one of the senior space specialists in the Soviet Ministry of Foreign Affairs, G. A. Osnitskaya

R E S T R I C T E D

R E S T R I C T E D

[formerly known as A. Galina], because in 1959 she stated that "in order to remove every possibility of competition of states and of the momentous threat of a new war, it could be established that a landing on the moon (or in the future on any other planet whatever) does not give the right to a territorial claim." The Deputy-Chairman states (p. 77):

"Let us imagine for a moment that such a law has already been established.. <sup>4</sup> Would this remove the threat of a new war? That can be done by means of peaceful coexistence and general and complete disarmament not by means of the establishment of laws excluding claims to celestial bodies. "<sup>5</sup>

3. Intensity of Soviet statements that U. S. space reconnaissance is aggressive and that this reconnaissance capability ~~will~~ be destroyed. These statements may be particularly significant in the context of the report that the Soviets have broken or obtained the code which signals American satellites to read out (and eliminate from the recording mechanism all information recorded during flights over the Soviet Union, and the report that the technique used for triggering the readout can also be adapted to signal recoverable American capsules to land in the Soviet Union.

The Executive Secretary [and Party agent] of the Space Law Commission of the Soviet Academy of Sciences G. Petrov [alias G. P. Zhukov] states:

"The aggressive nature of imperialism has not changed. It was and remains the aggressor, trying to profit from war and from the suffering of the peoples of the world. In this regard the outstanding achievements of the USSR in the development of rocket technology acquire particular significance (p. 174)... The military leaders of the U. S. are counting on the use of artificial earth satellites to obtain reconnaissance information. It is clear that such information is necessary only for the one who is preparing for aggressive nuclear-missile war....<sup>6</sup> The organizers of space espionage, as we have noted, hope that their satellite spies will be invulnerable. But they should know that the Soviet Union has at its disposal everything necessary to paralyze military espionage above its territory (pp. 177-178) .... From the point of view of the operative rules of international law and the Charter of the United Nations, the Soviet Union is entitled without question to take measures necessary to prevent acts of espionage above its territory from outer space. (p. 182)."

R E S T R I C T E D

#### 4. The breadth of the Soviet attacks on U. S. space vehicles and devices.

The Soviet representative to the legal subcommittee of the U.N. Space Committee, F. N. Kovalev, covers in unprecedented detail the military potential of communications satellites (pp. 115-118) and equates private enterprise in space communications with military activities as impediments to international cooperation (p. 94).

The Executive-Secretary of the Space Law Commission of the Soviet Academy of Sciences, G. P. Zhukov [G. A. Petrov], states that Tiros I, sent up on April 1, 1960, was, in fact, the first experimental spy satellite, which promptly served to replace the infamous U-2, and that the Tiros satellites will be succeeded in this mission by the Nimbus satellites (pp. 176-177). Zhukov says that Project Westford is part of the series of Samos and Midas spy projects (p. 175).

The Chairman of the Space Law Commission of the Soviet Academy of Sciences, Yevgeniy A. Korovin, states that even the most peaceful satellites are to be used according to the Pentagon primarily for military purposes (p. 7), that the Echo satellite is "counter-revolutionary," and that the weather satellite Tiros is "an auxiliary means for preparing for nuclear war (p. 9)."

The Deputy-Chairman, G. P. Zadorozhnyy, is particularly clear in his assertion (p. 53) that: "The right of a state to destroy [unichtozhit] a satellite-spy and in general every space device whatsoever interfering with the security of this state is indisputable."

Pertinent also are the recurrent threats in the general Soviet press, the most significant of which are:

- a. Premier Khrushchev's assertion on July 16, 1962, that the Soviets have a rocket which "hits a fly in outer space."<sup>7</sup>
- b. The Soviet protest in the July 21 issue of Krasnaya Zvezda against U. S. spy planes based on Guantanamo.
- c. The diatribe against Telstar in late July.
- d. The Soviet announcement also in late July that the Soviets would destroy Project Westford (by orbiting dipoles in the opposite direction) if the U. S. attempted to send up another load of copper needles.
- e. Marshall Rodion Malinovskiy's warning in the August 16th issue of Krasnaya Zvezda concerning the near-rendevous of the Soviet manned satellites: "Let our enemies know what techniques and what soldiers our Soviet power disposes of." Also Khrushchev's statement on August 18 in his speech lauding the Soviet's near rendezvous that "only madmen can object to our peaceful proposals for Berlin," a phrase which Khrushchev usually reserves for threats of nuclear war.
- f. The Soviet protest on September 4 against an alleged U. S. renewal of U-2 spy flights, and the Soviet reservation of the right to bring up the whole subject of American "aggressive acts" [i.e., including nuclear space testing] in the United Nations General Assembly this fall.

R E S T R I C T E D

Footnotes for memo on U.S. military space requirements in the light of Soviet intentions evidenced during June-August, 1962.

<sup>1</sup> These statements are contained in two books on the politico/legal aspects of space activities published early this summer by the Moscow Institute of International Relations. The first book, entitled *Kosmos i Mezhdunarodnoye Pravo* [Outer Space and International Law], was announced by TASS on March 31, 1962 and made available in mid-May, 1962. This book is a symposium of articles by leading Soviet space legal and international relations specialists in the Soviet Ministry of Foreign Affairs (G. A. Osnitskaya and V. S. Vereshchetin) and by the Chairman and Deputy Chairman and Executive-Secretary of the Space Law Commission of the Soviet Academy of Sciences (respectively Yevgeniy A. Korovin, G. P. Zadorozhnyy, and G. P. Zhukov; Zhukov wrote one article in this symposium under his Party name entitled *International Cooperation in the Peaceful Use of Outer Space* and another article under his real name, G. A. Petrov, entitled *Satellite Spies and International Law*). This book serves to enunciate several radical space policy innovations, perhaps in the form of trial balloons.

The second book, entitled *Na Puti k Kosmicheskoy Pravu* [Towards a Law of Outer Space], became available both in the USSR and abroad in mid-June, 1962. This book is the first comprehensive Communist work on space law and was authored principally by a member of the Soviet Ministry of Foreign Affairs, Feliks I. Kovalev, who represented the USSR at the legal subcommittee meetings of the U.N. Space Committee in June, 1962. This book presents a broad framework for the innovations of the first book without committing the USSR to any specific new space policies.

The four principal innovations of these books are: 1) permission of military activities in space, 2) permission of claims of sovereignty over celestial bodies, 3) acknowledgement of the necessity for a right of transit through sovereign air space going to and from outer space, but only on the condition that the U.S. abandons its military activities in outer space, and 4) development in great detail of a Soviet position on the boundary criteria for dividing space activities from non-space activities.

<sup>2</sup> The resolution referred to was adopted in August 1960 by the Committee on Air Law of the International Law Association, which is a consultative body of the United Nations, and was supported also by the Communist representatives. This Resolution, however, stated merely that one of the two most important principles which could serve as the basis for the conclusion of an international agreement would be: (a) "outer space and celestial bodies should be utilized only for peaceful purposes..." See Senate Document 26, 87th Congress, 1st Session, p. 679.

R E S T R I C T E D

R E S T R I C T E D

<sup>3</sup> Further, Zadorozhnyy attacks one of the senior specialists in the Soviet Ministry of Foreign Affairs, G. A. Osnitskaya, because in 1959 she opposed analogizing the status of outer space with that of the high seas on the grounds that such an analogy would allow military uses. Zadorozhnyy states (p. 64): "The prohibition of the use of outer space for military purposes will take place obviously not before an agreement is concluded on disarmament or at the very least on the destruction of all means of delivering nuclear weapons, including the liquidation of foreign military bases." See also Zadorozhnyy, p. 31, on the impossibility of restricting space to peaceful purposes prior to disarmament on Soviet terms.

The requirement that disarmament be on Soviet terms was clearly indicated by Kovalev in the concluding sentences of his book, in which he states (p. 179) that the creation of space law must be preceded by the solution of political problems: "The development of rules of space law would be facilitated if most of the problems which at present seem to be or really are extremely complicated would become academic and would cease to exist. The way to international space law is to effectuate the Soviet program of general and complete disarmament."

<sup>4</sup> The Chairman of the Space Law Commission of the Soviet Academy of Sciences, Yevgeniy Korovin, stated in the March 1962 issue of *International Affairs* (p. 63) that it is "impossible to discover in the U. N. Resolution [of December 20, 1961] a rejection of the principle of the extension of sovereignty to outer space." See discussion in Robert D. Crane, "Soviet Attitude Toward International Space Law, American Journal of International Law, Summer 1962, p. 699. The Deputy Chairman of the Space Law Commission states (p. 75) that he must doubt the sincerity of his American colleagues in their professed opposition to the right to claim sovereignty over celestial bodies.

<sup>5</sup> The Deputy Chairman adds in the next sentence (pp. 77-78) that "in the West the idea is stubbornly and insistently propagandized that the Soviet Union plans to occupy the moon. . . . This lie is designed to justify the aggressive measures which the U. S. is conducting in space." The point seems to be that the Soviets do not want to occupy the moon, but want to give us warning that they will do so unless we agree to disarmament on their terms. For an indication that the Soviets plan to apply the laws of territorial acquisition to the areas on the moon subordinate to their moon bases, see Zadorozhnyy, p. 70.

R E S T R I C T E D

R E S T R I C T E D

<sup>6</sup>G. A. Petrov repeats this assertion in his article written under his pen name G P Zhukov (p. 124), as does also Korovin (p. 16).

<sup>7</sup>See New York Times, July 17, 1962. This was preceded by statements, such as those in the May 10, 1962, issue of Krasnaya Zvezda and in the address by Marshal Malinowski on October 23, 1961, that "The problem of destroying enemy rockets in flight has been successfully solved in the Soviet Union."

R E S T R I C T E D